

**SUPREME COURT MINUTES
WEDNESDAY, JUNE 16, 1999
SAN FRANCISCO, CALIFORNIA**

S070894 People, Appellant
5th Dist. v.
F031299 Leroy Jesse Maloy, Respondent
 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Frazer*, S067443 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

Appointment of counsel is deferred pending further order of the court.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S077866 People, Respondent
1st Dist. v.
A079252 Travis Simon, Jr., Appellant
Div. 3 Appellant's petition for review GRANTED.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S078063 People, Appellant
4th Dist. v.
D030494 Harold Irvin Sowers, Respondent
Div. 1 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Frazer*, S067443 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

Appointment of counsel is deferred pending further order of the court.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S078149 Viad Corporation, Petitioner
1st Dist. v.
A086372 San Francisco County Superior Court, Respondent
Div. 5 James M. McDermott et al., Real Parties in Interest
Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Scheiding v. General Motors Corporation*, S073196 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S078153 Viad Corporation, Petitioner
1st Dist. v.
A086373 San Francisco County Superior Court, Respondent
Div. 5 Donald and Eleanor Thompson et al., Real Parties in Interest
Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Scheiding v. General Motors Corporation*, S073196 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S078168 Viad Corporation, Petitioner
1st Dist. v.
A086374 San Francisco County Superior Court, Respondent
Div. 5 Elaine McGrath et al., Real Parties in Interest
Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Scheiding v. General Motors Corporation*, S073196 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S078176 People, Respondent

1st Dist. v.

A079282 Charles Edward Valley et al., Appellants

Div. 1 Petition for review of appellant Darvin Michael Peterson
GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Williams*, S066106 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

Petitions for review of appellant Charles Edward Valley
DENIED.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S078492 Viad Corporation, Petitioner

1st Dist. v.

A086318 San Francisco County Superior Court, Respondent

Div. 3 Marion Gosney, etc. et al., Real Parties in Interest

Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Scheiding v. General Motors Corporation*, S073196 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S078552 Viad Corporation, Petitioner
1st Dist. v.
A086562 San Francisco County Superior Court, Respondent
Div. 5 George Kirkland, Real Party in Interest
Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Scheiding v. General Motors Corporation*, S073196 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S078878 Viad Corporation, Petitioner
1st Dist. v.
A086670 San Francisco County Superior Court, Respondent
Div. 5 David Hoobyar, Real Party in Interest
Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Scheiding v. General Motors Corporation*, S073196 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

1st Dist. In re Darwish Halaweh
A088561 on
Div. 1 Habeas Corpus
S078011 Petition for review GRANTED.

The matter is transferred to the Court of Appeal, First Appellate District, Division One, with directions to vacate summary denial dated March 17, 1999, and to issue an order to show cause, returnable before the Sonoma County Superior Court. The Director of Corrections is to be ordered to show cause, when the matter is ordered on calendar, why the abstract of judgment in Sonoma County Superior Court cases MCR-242068 and SCR-20708 should not be amended to reflect that all 614 days of presentence credits are awarded against petitioner's aggregate two year, eight month term of imprisonment, such that petitioner receives credits for the entire presentence period he was in custody. (See Pen. Code, § 2900.5(a)-(c); *In re Rojas* (1979) 23 Cal.3d 152, 156; *People v. Harris* (1987) 195 Cal.App.3d 717, 720.) The return shall be filed on or before July 16, 1999.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S049103 Temple Community Hospital
 v.
 Los Angeles County Superior Court, Respondent
 Sandra Ramos, Real Party in Interest

The finality of the opinion in the above entitled matter is hereby extended to and including July 16, 1999.

S014200 People, Respondent

v.

Jon Scott Dunkle, Appellant

The referee is directed to commence the reference hearing on the issue set forth in this court's December 11, 1996, order of reference on or before September 27, 1999, and to proceed with the hearing on each regular court day thereafter until completed. Any application for a continuance of the reference hearing shall be directed to this court, not the referee.

S066656 Daniel McCarthy, Petitioner

1st Dist. v.

A080981 Alameda County Superior Court, Respondent

Div. 4 Phyljan Corporation et al., Real Parties in Interest

In light of the court's order in this matter filed September 2, 1998, dismissing review, the stay imposed in the January 28, 1998, order is no longer in effect. Because the Court of Appeal summarily denied the petition in this matter, it need not issue a remittitur. (Cal. Rules of Court, rule 25(a).)

S050142 In re Larry Douglas Lucas

on

Habeas Corpus

THE COURT:

In the matter of Larry Douglas Lucas on Habeas Corpus, S050142 (Superior Court of Los Angeles County, No. A-471259, John A. Torribio, Judge), good cause appearing, it is ordered that the Presiding Judge of the Los Angeles County Superior Court shall select a judge of that court to sit as a referee in this proceeding and that the court shall promptly notify this court of the referee selected.

After appointment by this court, the referee, after proper notice to the parties, is directed to hold an evidentiary hearing and to make findings upon the following questions:

1. What actions did petitioner's trial attorneys James E. Patterson and Richard A. LaPan take to investigate potential evidence in mitigation for the purpose of the penalty phase of trial? What were the results of the investigation? Was that investigation conducted in a manner to be expected of reasonably competent

attorneys acting as diligent advocates? If not, in what respects was it inadequate?

2. If trial counsel's investigation was inadequate, what additional information would an adequate investigation have disclosed?

3. After conducting an adequate investigation of the circumstances in mitigation of penalty, would reasonably competent attorneys acting as diligent advocates have introduced evidence in mitigation at the penalty phase of the trial? What rebuttal evidence reasonably would have been available to the prosecution?

4. During guilt phase deliberations, what did juror Kath say with respect to his own drug use and his resulting opinion regarding petitioner's defense, and under what circumstances and in whose hearing did he make any such statement?

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and of the findings of fact made.

S068655

In re Daniel Steven Jenkins
on

Habeas Corpus

THE COURT:

In the matter of Daniel Steven Jenkins's request dated November 23, 1998, to secure the dismissal of the petition for writ of habeas corpus filed on his behalf in this court, and his request dated April 21, 1999, for an evidentiary hearing on the matter, good cause appearing, it is ordered that the Presiding Judge of the Los Angeles County Superior Court select a judge of that court to sit as a referee in this proceeding and that the court shall notify this court promptly of the referee selected.

After appointment by this court, the referee is directed to hold, after proper notice to the parties, an evidentiary hearing to determine whether David Steven Jenkins is mentally competent to withdraw his petition for writ of habeas corpus, applying the standard set out by the United States Supreme Court in *Rees v. Payton* (1966) 384 U.S. 312, as follows: "whether [the prisoner] has capacity to appreciate his position and make a rational choice with respect to continuing

or abandoning further litigation or on the other hand whether he is suffering from a mental disease, disorder, or defect which may substantially affect his capacity” (*Id.* at p. 314.) The referee also shall make findings on the question whether the prisoner has made a knowing, intelligent, and voluntary waiver of his right to proceed. (See *Whitmore v. Arkansas* (1990) 495 U.S. 149, 165.) The Attorney General and counsel appointed for Jenkins, Mr. Michael R. Snedeker, may participate in the hearing. Separate counsel may be appointed for the prisoner if he so requests. It is contemplated that experts in the field of psychiatry and psychology may be appointed to examine and test the prisoner and that such experts may appear at the hearing to offer opinion evidence. (See *Rees v. Payton*, *supra*, 384 U.S. at pp. 313-314; *Mason v. Vasquez* (9th Cir. 1993) 5 F.3d 1220, 1221-1224.) The referee shall make findings whether Jenkins’s competence is established by a preponderance of the evidence. (*Mason v. Vasquez*, *supra*, 5 F.3d at p. 1225.)

It is further ordered by this court that as soon as the referee has made findings pursuant to this order, he or she shall transmit the record of the hearing including all exhibits thereto, and the findings and opinion of the referee, directly to this court for further proceedings.

S076454 Ora Peatros, Appellant

v.

Bank of America, etc. et al., Respondents

The petition for review in this case was granted on March 31, 1999. At that time, further action was deferred pending consideration and disposition of a related issue in *Lavelle v. BankAmerica Corp.*, S074192, namely, whether section 8 of the National Bank Act of 1864, as codified in section 24, Fifth, of title 12 of the United States Code, preempts the California Fair Employment and Housing Act, or pending further order of the court. At the same, the submission of additional briefing, pursuant to California Rules of Court, rule 29.3, was deferred pending further order of the court.

In light of subsequent events, the court has now determined that it is appropriate to order briefing to assist it in considering and

deciding the issue of whether section 8 of the National Bank Act of 1864, as codified in section 24, Fifth, of title 12 of the United States Code, preempts the California Fair Employment and Housing Act.

Appellant and respondents are directed to serve and file briefs pursuant to California Rules of Court, rule 29.3. Any new brief on the merits by appellant is to be served and filed on or before July 16, 1999. Any new brief on the merits by respondents is to be served and filed on or before August 20, 1999. Any reply by appellant to any new brief on the merits by respondent is to be served and filed on or before September 10, 1999. All briefing is to be limited to the issue of whether section 8 of the National Bank Act of 1864, as codified in section 24, Fifth, of title 12 of the United States Code, preempts the California Fair Employment and Housing Act.

Baxter, J., and Chin, J., did not participate.

S077717 F R I Holdings et al., Appellants

4th Dist. v.

G017783 Hartford Casualty Insurance Company, Respondent

Div. 3 Pursuant to the stipulation filed by the parties, the above-entitled petition for review is ordered withdrawn.

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal, filed February 16, 1999, which appears at 70 Cal.App.4th 1023. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

S079486 In re David Fittro

on

Habeas Corpus

Application for stay and petition for writ of habeas corpus
DENIED.

S079615 Assicurazioni Generali, Petitioner

v.

Los Angeles County Superior Court, Respondent

Adolf Stern et al., Real Parties in Interest

Application for stay and petition for writ of mandate DENIED.

1st Dist. Dwight Willard, Respondent
A079314 v.
Div. 1 Steven J. Duca Stuart et al., Appellants
S078643 Petitions for review DENIED.

1st Dist. People, Respondent
A079849 v.
Div. 5 Kevin Hosea Thomas, Appellant
S067737 Appellant's petition for review DENIED.

1st Dist. Michael A. Waul, Appellant
A080504 v.
Div. 2 Andrew August et al., Respondents
S078874 Appellant's petition for review DENIED.

1st Dist. People, Respondent
A080569 v.
Div. 1 Bernard Beard, Appellant
S078732 Appellant's petition for review DENIED.

1st Dist. People, Respondent
A080904 v.
Div. 3 Marcos Paz Manzo, Appellant
S078683 Appellant's petition for review DENIED.

1st Dist. People, Respondent
A081149 v.
Div. 3 Edward M. Lazzerini, Appellant
S078839 Appellant's petition for review DENIED.

1st Dist. California Pacific Homes Incorporated et al., Respondents
A081340 v.
Div. 4 Scottsdale Insurance Company et al., Appellants
S078615 Appellants' petition for review DENIED.
The requests for an order directing depublication of the opinion
are DENIED.

1st Dist. A082364 Div. 1 S078837	In re Antwan E., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Antwan E., Appellant Petition for review DENIED.
1st Dist. A082585 Div. 5 S078613	In re Rahmond B., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Rahmond B., Appellant Petition for review DENIED.
1st Dist. A083070 Div. 1 S077742	In re Alexander Li Buirst on Habeas Corpus Petition for review DENIED.
1st Dist. A083206 A084711 Div. 2 S078560	People, Respondent v. Dennis Sanford Owens, Appellant Appellant's petition for review DENIED.
1st Dist. A086434 Div. 3 S078686	In re Monroe Jones on Habeas Corpus Petition for review DENIED. (<i>In re Clark</i> (1993) 5 Cal.4th 750; <i>In re Miller</i> (1941) 17 Cal.2d 734, 735.)
1st Dist. A086553 Div. 3 S078884	In re Bradley N. Hart on Habeas Corpus Petition for review DENIED.
2nd Dist. B097086 Div. 4 S078891	Leslie Magyari et al., Appellants v. Denise Lawrence et al., Appellants Appellants' petition for review DENIED.

2nd Dist. Laszlo Logacz et al., Appellants
B099108 v.
Div. 3 Brea Community Hospital et al., Respondents
S078823 Petition for review DENIED.

2nd Dist. People, Respondent
B099780 v.
Div. 7 David Warren Hooker, Appellant
S063272 Appellant's petition for review DENIED.

2nd Dist. Phil Gordon et al., Appellants
B104540 v.
Div. 3 Uniroyal Goodrich Tire Company et al., Respondents
S078763 Petition for review DENIED.
The request for an order directing publication of the opinion is
DENIED.

2nd Dist. People, Respondent
B110820 v.
Div. 1 Melvin Aldana, Appellant
S078766 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B112214 v.
Div. 3 Scott Anthony Taylor, Appellant
S078102 Appellant's petition for review DENIED.

2nd Dist. Brian Heron, Appellant
B112390 v.
Div. 1 Charles Smith, Respondent
S078381 Petition for review DENIED.
The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

2nd Dist. People, Respondent
B113362 v.
Div. 5 Anthony Torres, Appellant
S078034 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B114458 v.
Div. 4 James M. Amadeo, Appellant
S078007 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B115089 v.
Div. 3 Deshawn Mitchell et al., Appellants
S078780 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. Hartford Accident & Indemnity Company, Appellant
B115334 v.
Div. 7 Hawkins Schnabel Lindahl & Beck, Respondent
S077643 Petition for review DENIED.

2nd Dist. Vivian Elaine Maldonado, Appellant
B115422 v.
Div. 4 Mark Greenspan, M.D., Respondent
S078650 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B116142 v.
Div. 2 Charles Earl Wiseman et al., Appellants
S078543 Appellants' petitions for review DENIED.
Mosk, J., is of the opinion review should be granted.

2nd Dist. People, Respondent
B116304 v.
Div. 1 Johnnie Jordan, Appellant
S078048 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B116960 v.
Div. 4 Nassar Lavaie, Appellant
S078020 Respondent's petition for review DENIED.
The request for an order directing depublication of the opinion is DENIED.
Baxter, J., is of the opinion the petition should be granted.

2nd Dist. B118196 Div. 6 S078590	People, Respondent v. William Henderson, Appellant Petitions for review DENIED.
2nd Dist. B118213 Div. 4 S078799	People, Respondent v. Maria Molina, Appellant Appellant's petition for review DENIED.
2nd Dist. B118238 Div. 2 S078931	People, Respondent v. Dean Martin Sealey, Appellant Appellant's petition for review DENIED.
2nd Dist. B118389 Div. 3 S078618	People, Respondent v. Daniel Garcia et al., Appellants Appellants' petitions for review DENIED.
2nd Dist. B118438 Div. 5 S078663	Florence Rostami, Appellant v. Thomas McGuinness et al., Respondents Appellant's petition for review DENIED.
2nd Dist. B118498 Div. 3 S078700	People, Respondent v. Sang Hung Kwak Appellant Appellant's petition for review DENIED.
2nd Dist. B119042 Div. 6 S078599	People, Respondent v. Charles Russell Cole, Appellant Respondent's petition for review DENIED.
2nd Dist. B119191 Div. 3 S078571	People, Respondent v. Guillermo Medina Ruiz, Appellant Appellant's petition for review DENIED.

2nd Dist. B119480 Div. 4 S078710	In re Javier G., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Javier G., Appellant Petition for review DENIED.
2nd Dist. B119809 Div. 3 S078832	People, Respondent v. Jesus Calderon Parra, Appellant Appellant's petition for review DENIED.
2nd Dist. B120279 Div. 4 S078740	Jack Ma, Appellant v. T R W Incorporated, Respondent Appellant's petition for review DENIED.
2nd Dist. B120401 Div. 1 S078584	People, Respondent v. Dennis Sims, Appellant Appellant's petition for review DENIED.
2nd Dist. B120402 Div. 4 S078716	People, Respondent v. Clifford Tyrone Wilson, Appellant Appellant's petition for review DENIED.
2nd Dist. B121316 Div. 4 S078982	People, Respondent v. Clifton Kelly Jr., Appellant Appellant's petition for review DENIED.
2nd Dist. B121397 Div. 2 S078219	People, Respondent v. Andre Trent Hardrict, Appellant Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B121999 v.
Div. 5 Cedric J. Woods, Appellant
S078848 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B122138 v.
Div. 1 Miguel Sanchez et al., Appellants
S078570 Appellants' petition for review DENIED.

2nd Dist. Belle C. Mason, Respondent
B123396 v.
Div. 3 Richard W. Poe, Appellant
S078861 Petition for review DENIED.

2nd Dist. Scheffield Medical Group Incorporated et al., Petitioners
B123451 v.
Div. 7 Workers' Compensation Appeals Board, Respondent
S078351 California Indemnity Insurance Company, Respondent
Petition for review DENIED.
The request for an order directing depublication of the opinion is
DENIED.

2nd Dist. People, Respondent
B123520 v.
Div. 7 Lester C. Smith, Appellant
S078665 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B123719 v.
Div. 1 Michael Patrick Languein, Appellant
S078797 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B124410 v.
Div. 5 Richard Reveles et al., Appellants
S078576 Appellants' petitions for review DENIED.

2nd Dist. Jimmie Woods-Gray, Appellant
B124955 v.
Div. 7 Kevin G. Murray, Respondent
S074371 Petition for review DENIED.
The request for an order directing publication of the opinion is
DENIED.

2nd Dist. In re Frederick Daniel Ramey
B124958 on
Div. 6 Habeas Corpus
S077909 Petition for review DENIED.

2nd Dist. People, Respondent
B125140 v.
Div. 6 Raymond Edward Washington, Appellant
S078918 Petition for review DENIED.

2nd Dist. People, Petitioner
B126017 v.
Div. 1 Los Angeles County Superior Court, Respondent
S078032 Gerald Johannes, Real Party in Interest
Petition for review DENIED.

2nd Dist. Vladimir Iraheta et al., Petitioners
B126581 v.
Div. 2 Los Angeles County Superior Court, Respondent
S078658 Los Angeles County District Attorney's Office et al.,
Real Parties in Interest
Petition for review DENIED.
Kennard, J., and Chin, J., are of the opinion the petition should
be granted.

2nd Dist. Bruce Millsap, Petitioner
B126913 v.
Div. 4 Los Angeles County Superior Court, Respondent
S078029 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. Thomas Eells, Appellant
B127237 v.
Div. 2 Dirnfeld & Zelner et al., Respondents
S078420 Appellant's petition for review DENIED.

2nd Dist. In re Nichols S., a Minor
B128062 -----
Div. 3 Armando D., Petitioner
S078853 v.
Los Angeles County Superior Court, Respondent
Petition for review DENIED.
The request for an order directing depublication of the opinion is
DENIED.

2nd Dist. Assicurazioni Generali, Petitioner
B129736 v.
Div. 2 Los Angeles County Superior Court, Respondent
S078215 Adolf Stern, Real Party in Interest
Petition for review DENIED.
Werdegar, J., is of the opinion the petition should be granted.

2nd Dist. Farmers Goup Incorporated, Petitioner
B130273 v.
Div. 5 Los Angeles County Superior Court, Respondent
S078851 Villa Lorena Homeowners Association, Real Party in Interest
Petition for review DENIED.

2nd Dist. Rashida Jaffer, Petitioner
B130621 v.
Div. 7 Moussa Dalla, Respondent
S078632 Petition for review DENIED.

2nd Dist. Jermaine Estrella, Petitioner
B131138 v.
Div. 2 Los Angeles County Superior Court, Respondent
S078713 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. In re David Ybarra Lorenz
B131173 on
Div. 5 Habeas Corpus
S078764 Petition for review DENIED.

2nd Dist. Irene Gutierrez, Petitioner
B131183 v.
Div. 6 Ventura County Superior Court, Respondent
S078756 Isuzi Motors Limited et al., Real Parties in Interest
 Petition for review DENIED.

2nd Dist. Edward G. Brown, Petitioner
B131195 v.
Div. 2 Los Angeles County Superior Court, Respondent
S078681 Ronald W. Anteau et al., Real Parties in Interest
 Petition for review DENIED.

2nd Dist. Kevin L. Duncan, Petitioner
B131233 v.
Div. 3 Los Angeles County Superior Court, Respondent
S078909 People, Real Party in Interest
 Petition for review DENIED.

2nd Dist. Antonio Graham, Petitioner
B131548 v.
Div. 7 Los Angeles County Superior Court, Respondent
S079193 Equifax Services, Real Party in Interest
 Application for stay and petition for review DENIED.

2nd Dist. Antonio R. Sanchez et al., Petitioners
B131940 v.
Div. 4 Los Angeles County Superior Court, Respondent
S079375 Newcrow, Real Party in Interest
 Application for stay and petition for review DENIED.

3rd Dist. People, Respondent
C026102 v.
S078882 George Morgan, Appellant
 Petition for review DENIED.

3rd Dist. People, Respondent
C026244 v.
S078530 Kenneth Jerome Vernon, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C026333 v.
S078593 Harry Arostiqui Singh, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C026509 v.
S078688 Xai Vang, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C026524 v.
S078012 Frank Sebastian Osorio, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C026805 v.
S078055 Robert Lee Lopez, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C027987 v.
S078827 Paula Marie Butts, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C028055 v.
S078561 Richard Martin Duran, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C028276 v.
S077983 William Robert Goehler, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C028375 v.
S078846 Rick Allen Atilas, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C028410 v.
S078834 Steven Wayne Bowles, Appellant
Appellant's petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.

3rd Dist. People, Respondent
C028492 v.
S078714 Ronald Justin Taylor, Appellant
Appellant's petition for review DENIED.

3rd Dist. Ralph M. Furr, Respondent
C028782 v.
S078655 Anita I. Casto et al., Appellants
Respondent's petition for review DENIED.

3rd Dist. People, Respondent
C028948 v.
S078805 Vincent Jay Nichols, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C029119 v.
S079008 Ruben Guajardo, Appellant
Appellant's petition for review DENIED.

3rd Dist. A. O. Reed & Company Inc., et al., Appellants
C029165 v.
S078796 State Board of Equalization, Respondent
Petition for review DENIED.
The request for an order directing publication of the opinion is
DENIED.

3rd Dist. People, Respondent
C029225 v.
S079062 Steve Bradford Cloud, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C029275 v.
S078651 Rami Karim, Appellant
Appellant's petition for review DENIED.

3rd Dist. Oksana Sheremetjeva, Appellant
C029637 v.
S078933 West American Insurance Company, Respondent
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C030228 v.
S078214 Michael Gene Andrus, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C032104 v.
S078826 Juan Rodea, Appellant
Petition for review DENIED.

4th Dist. Albert J. Henry, Appellant
D026609 v.
D027276 Kevin P. Monaghan et al., Respondents
Div. 1 And Companion Case
S077794 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D026671 v.
D032137 Clifton Jerome McDaniel, Appellant
Div. 1 -----
S078100 In re Clifton Jerome McDaniel on Habeas Corpus
Appellant's petition for review DENIED.

4th Dist. People, Respondent
D027964 v.
Div. 1 John Earl Canty, Appellant
S078249 Appellant's petition for review DENIED.

4th Dist. Frank Russo et al., Appellants
D028524 v.
Div. 1 T R W Title Insurance Company, Appellant
S078795 Petition for review DENIED.

4th Dist. People, Respondent
D028669 v.
Div. 1 Michael Dwayne Tryals, Appellant
S078761 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D028905 v.
Div. 1 Russell J. Kelly, Appellant
S078141 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D029374 v.
Div. 1 Javier Zepeda Rodriguez, Appellant
S078101 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D029497 v.
Div. 1 Jose Dejerme Rodriguez, Appellant
S078699 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

4th Dist. People, Respondent
D030098 v.
Div. 1 Marquise Dequinn Martin, Appellant
S078814 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D031308 v.
Div. 1 Fabricio Romero Vazquez, Appellant
S078759 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D031352 v.
Div. 1 Gabriel Anthony Valles, Appellant
S078929 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D031405 v.
Div. 1 Christopher Logan, Appellant
S078907 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D031604 v.
Div. 1 Darris Robertson, Appellant
S078841 Appellant's petition for review DENIED.

4th Dist. Southwestern Community College District et al., Petitioners
D033009 v.
Div. 1 San Diego County Superior Court, Respondent
S078687 Jaime Salazar, Real Party in Interest
Application for stay and petition for review DENIED.

4th Dist. Framing Dimensions Incorporated, Petitioner
D033032 v.
Div. 1 San Diego County Superior Court, Respondent
S078757 Renaissance Capri Condominium Association et al.,
Real Parties in Interests
Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.
Kennard, J., is of the opinion the petition should be granted.

4th Dist. People, Respondent
E020969 v.
Div. 2 Juan Saenz, Jr., Appellant
S078011 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E021296 v.
E020996 Otis Ray Glenn, Appellant
Div. 2 Appellant's petition for review DENIED.
S078013

4th Dist. People, Respondent
E021460 v.
Div. 2 Isaac Paul Gonzalez, Appellant
S078138 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E021776 v.
Div. 2 Kevin H. Dobson, Appellant
S078717 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E021813 v.
Div. 2 Marlo Sheree McGee, Appellant
S078701 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E022257 v.
Div. 2 Robert Gonzales, Jr., Appellant
S078892 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E022400 v.
Div. 2 Anthony Perez, Appellant
S078815 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E022425 v.
Div. 2 Andre L. Nelson, Appellant
S078596 Appellant's petition for review DENIED.

4th Dist. In re Michael N., a Person Coming Under the Juvenile Court Law
E022828 -----
Div. 2 People, Respondent
S078565 v.
Michael N., Appellant
Petition for review DENIED.

4th Dist. E023223 Div. 2 S078675	People, Respondent v. Bobbie Lewis Barnett, Appellant Appellant's petition for review DENIED.
4th Dist. E024556 Div. 2 S078067	People, Petitioner v. San Bernardino County Superior Court, Respondent Lloyd C. True et al., Real Parties in Interest Petition for review DENIED.
4th Dist. E024748 Div. 2 S078501	Lumford Johnson, Petitioner v. Riverside County Superior Court, Respondent People, Real Party in Interest Application for stay and petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.
4th Dist. E024772 Div. 2 S078767	People, Respondent v. Riverside County Superior Court, Respondent Arthur Gee et al., Real Parties in Interest Petition for review DENIED.
4th Dist. G012404 G017490 Div. 3 S052788	In re Edwin Winslow Bennett on Habeas Corpus ----- People, Respondent v. Edwin Winslow Bennett, Appellant Petition for review DENIED.
4th Dist. G016966 Div. 3 S057709	People, Respondent v. Michael Thomas Senner et al., Appellants Petitions for review DENIED.
4th Dist. G019194 Div. 3 S078811	Shaunie Eminger Schmoll, Appellant v. Chapman University, Respondent Appellant's petition for review DENIED.

4th Dist. G021777 Div. 3 S078719	People, Respondent v. Clifford Lee Thompson, Appellant Appellant's petition for review DENIED.
4th Dist. G021978 Div. 3 S078019	In re Edwardo V., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Edwardo V., Appellant Petition for review DENIED.
4th Dist. G022130 G022307 Div. 3 S078760	People, Respondent v. Garrett Russell Hill et al., Appellants And Companion Case Appellants' petition for review DENIED.
4th Dist. G023729 Div. 3 S078758	Fred Duran, Appellant v. Western Dental Services Incorporated, Respondent Appellant's petition for review DENIED.
4th Dist. G023738 Div. 3 S078563	People, Respondent v. Jose Luis Tirado, Appellant Appellant's petition for review DENIED.
4th Dist. G025054 Div. 3 S078435	Maureen F. Tighe, Petitioner v. Orange County Superior Court, Respondent City of Westminster, Real Party in Interest Petition for review DENIED.
4th Dist. G025132 Div. 3 S079124	William B. Hanley, Petitioner v. Orange County Superior Court, Respondent Ryan M. Patch et al., Real Parties in Interest Application for stay and petition for review DENIED. Mosk, J., Kennard, J., and Brown, J., are of the opinion the petition should be granted.

5th Dist. People, Respondent
F023776 v.
S078069 Bruce Lynn Sons, Appellant
Appellant's motion for leave to file petition under seal granted.
Petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.

5th Dist. People, Respondent
F026467 v.
F026555 Victor Valencia et al., Appellants
S078611 Appellants' petition for review DENIED.

5th Dist. People, Respondent
F026593 v.
S078070 Jose Lopez, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F026692 v.
S078050 Ermilindo J. Garcia, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F026944 v.
S078179 David Wayne Habig, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F027016 v.
S078008 Aloune Yaseng et al., Appellants
Appellants' petitions for review DENIED.

5th Dist. People, Respondent
F027647 v.
S078720 Raymond Perez, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F027892 v.
S078116 Obedia Manning, Appellant
Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.
Kennard, J., is of the opinion the petition should be granted.

5th Dist. People, Respondent
F029170 v.
S078685 Miguel Sustaita Villegas, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Appellant
F030111 v.
S078652 Robert Muhabar Khan, Respondent
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F030521 v.
S079067 Ernest R. Ballejos, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F030692 v.
S078639 Albert Lenard McElroy, Appellant
Appellant's petition for review DENIED.

5th Dist. In re Ramiro Perez Sr. on Habeas Corpus
F030869 -----
F031887 People, Respondent
S078666 v.
Ramiro Perez, Sr., Appellant
Appellant's petition for review DENIED.

5th Dist. In re Thomas E. Morgan
F032558 on
S078044 Habeas Corpus
Petition for review DENIED.

5th Dist. Reedly Redevelopment Agency, Petitioner
F032827 v.
S078500 Fresno County Superior Court, Respondent
Terry Caves et al., Real Parties in Interest
Petition for review DENIED.

5th Dist. In re Jack Orlando Johnson
F032900 on
S078238 Habeas Corpus
Petition for review DENIED.

5th Dist. Richard E. Bendy, Petitioner
F033064 v.
S078586 Workers' Compensation Appeals Board et al., Respondents
Petition for review DENIED.

6th Dist. People, Respondent
H016789 v.
S078047 Daniel Joseph Carpenter, Appellant
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H017164 v.
S078132 Edward Gail Neal, Appellant
Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

6th Dist. People, Respondent
H017368 v.
S078046 Raul Raymond Olvera, Appellant
Appellant's petition for review DENIED.

6th Dist. James C. Orr, Appellant
H017511 v.
S078915 University National Bank and Trust Company et al., Respondents
Appellant's petition for review DENIED.
Baxter, J., did not participate.

6th Dist. Gloria Ann Jackson et al., Appellants
H017629 v.
S078875 James Scott as Marina Police Officer Clegg et al., Respondents
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H018242 v.
S078133 Rebecca Jean Self, Appellant
Appellant's petition for review DENIED.

6th Dist. Phil Young, Appellant
H018282 v.
S078690 Uniphase Incorporated, Respondent
Petition for review DENIED.

6th Dist. In re Ignacio E., a Person Coming Under the Juvenile Court Law
H018888 -----
S079005 Santa Clara Co. Dept. of Family & Children Services., Respondente
v.
Maria E., Appellant
Petition for review DENIED.

S077872 Cybermedia, Inc. et al., Petitioners
v.
Los Angeles County Superior Court, Respondent
Wendell Brown, Real Party in Interest
The Reporter of Decisions is directed to publish in its entirety the
opinion in the above-entitled case in the Official Reports. (See rule
976(d) and rule 978(c), California Rules of Court.)

1st Dist. Ray Hosking, Respondent
A073183 v.
Div. 2 Carrier Corporation et al., Appellants
S058301 The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

2nd Dist. Evelyne I. Levy, Appellant
B107333 v.
Div. 1 American Honda Motor Company Incorporated, Respondent
S076929 The request for an order directing publication of the opinion in

the above entitled cause is DENIED.

2nd Dist. Karen Barbu, Appellant
B119283 v.
Div. 3 City of Los Angeles et al., Respondents
S077376 The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

3rd Dist. Ralph Martin et al., Appellants
C028403 v.
S077337 Dept. of California Highway Patrol, etc. et al., Respondents
California Association of Highway Patrolmen, etc., Respondent
The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

3rd Dist. Willliam S. Bradley, Appellant
C028727 v.
S078877 Gary L. Lacy, as District Attorney, Respondent
The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

4th Dist. Geri M. Gibson, Respondent
E019548 v.
Div. 2 Morry California Inc. et al., Appellants
S078093 The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

4th Dist. California Indemnity Insurance Company, Respondent
E022533 v.
Div. 2 Keith Gupfill, Appellant
S077456 The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

5th Dist. Derbe Dike, Appellant
G018315 v.
S077394 Marc Vincent et al., Respondents
The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

1st Dist.
A086863 Michael J. Schwerdtfeger, Petitioner
v.

Contra Costa County Superior Court, Respondent
People, Real Party in Interest

The time for granting or denying review on the court's own motion is hereby extended to and including July 19, 1999, or the date upon which review is either granted or denied. Rule 28(a)(1), California Rules of Court.

S074270 In re Jorge M., a Person Coming Under the Juvenile Court Law

People, Respondent

v.
Jorge M., Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is granted to and including July 14, 1999.

No further extensions of time are contemplated.

S067443 People, Appellant
v.

Raymond Lawrence Frazer, Respondent

The request of amicus curiae California Attorneys for Criminal Justice (CACJ) to file letter brief is hereby GRANTED.

S067443 People, Appellant
v.

Raymond Lawrence Frazer, Respondent

The application of California Appellate Defense Counsel (CADC) for permission to file an amicus curiae brief in support of respondent is hereby granted.

S020244 People, Respondent
v.

Jesus Ciane Hernandez, Appellant

Appellant's motion to augment the record is granted. The record is augmented to include the copies of juror questionnaire included in appendix "C" of appellant's request for augmentation. Respondent's motion to redact the record is denied.

S020803 People, Respondent

v.

Richard Bert Stewart, Respondent

Appellant's motion for disclosure of Napa State Hospital records is denied. Appellant's motion for leave to file a declaration under seal is denied as moot. The Declaration of Melissa Hill, received by this court on April 15, 1999, is hereby ordered returned to appellant's appellate counsel.

S045504 People, Respondent

v.

Hooman Ashkan Panah, Appellant

Appellant's "Motion for Order Granting Appellant's Counsel Permission to Review and Copy Evidence in Case Possessed by Los Angeles Police Department" is denied. (*People v. Gonzalez* (1990) 51 Cal.3d 1179, 1258.)

S062244 In re Antonio Espinoza

on

Habeas Corpus

Petitioner's application to inspect and copy San Joaquin County Superior Court records, filed June 29, 1998, is denied.

S008112 People, Respondent

v.

Arthur Hans Halvorsen, Appellant

The application of appointed counsel for permission to withdraw as attorney of record for appellant Arthur Hans Halvorsen, filed April 16, 1999, is granted as to the direct appeal now pending in this court, but denied without prejudice as to the related habeas corpus/executive clemency proceedings, subject to the filing of a new and different application that complies with Supreme Court Policies Regarding Cases Arising From Judgments of Death, Policy 2 ("Withdrawal of counsel"), and addresses Payment Guideline V ("Court Action Upon Nonperformance of Work, and Reimbursement of Fees Upon Authorized Withdrawal of Appointed Counsel") as to appointed counsel's appellate and habeas corpus representation.

The order appointing Gregory Bowman as counsel of record for appellant Arthur Hans Halvorsen, filed June 5, 1990, is hereby

vacated with respect to appellant's capital appeal. Gregory Bowman shall remain as counsel of record to represent appellant for state habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court, and shall continue to be responsible for all habeas corpus/executive clemency duties specified in Supreme Court Policies Regarding Cases Arising From Judgments of Death, Policy 3, standards 1-1 and 2-1.

Lisa M. Romo is hereby appointed as appellate counsel of record in place of Gregory Bowman, and has the responsibility for all appellate duties specified in Supreme Court Policies Regarding Cases Arising From Judgments of Death Policy 3, standards 1-1 and 2-1.

Gregory Bowman is directed to deliver to Lisa M. Romo, within 20 days from the filing of this order, copies or the original of the entire case file relating to Halvorsen's capital appeal currently in Bowman's possession, including, but not limited to, the reporter's and clerk's transcripts, all case files and documents obtain from appellant's trial counsel, and all other documents filed in this court.

S008112 People, Respondent

v.

Arthur Hans Halvorsen, Appellant

In conjunction with the order filed this day permitting Gregory Bowman to withdraw as counsel of record for death row inmate Arthur Hans Halvorsen with respect to the automatic appeal now pending in this court, Bowman is ordered to reimburse this court the sum of \$35,000. This order is without prejudice to Bowman's ability to seek -- upon adequate demonstration -- credit for direct appeal work already performed by Bowman "that is determined by the court to be of value to the court." (Payment Guideline V, subpart B ["Court Action Upon Nonperformance of Work, and Reimbursement of Fees Upon Withdrawal of Appointed Counsel"](.))

S077185 People, Respondent

v.

Forrest Ray Wright, Appellant

Upon request of appellant for appointment of counsel, Sandra Gillies is hereby appointed to represent appellant on his appeal now pending in this court.

S077400 People, Respondent

v.

Hector Anthony Rivera, Appellant

Upon request of appellant for appointment of counsel, Athena Shudde is hereby appointed to represent appellant on his appeal now pending in this court.

--

Inquiry Concerning Fred L. Heene, Jr., No. 153

Upon the request of the Commission on Judicial Performance for the appointment of three special masters in the above proceeding, the following judges, selected by the commission from a list submitted by the Supreme Court, are hereby appointed special masters to hear and take evidence in such matter and report thereon to the commission. (See rule 121, Rules of Com. on Jud. Performance.)

1. Honorable Marcel Poche
Court of Appeal, First Appellate District, Division Four
2. Honorable Barbara A. Lane
Superior Court of Ventura Clerk's Transcript
3. Honorable Jerry E. Johnson
Municipal Court of Los Angeles County
Compton Judicial District
Justice Poche is designated presiding special master.

Dated: June 16, 1999

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

S079636 Assicurazioni Generali, Petitioner

v.

Los Angeles County Superior Court, Respondent
Alex Friedman et al., Real Parties in Interest

The above entitled matter is transferred to the Court of Appeal, Second Appellate District.

S079759 Chauh M. Dang, Petitioner

v.

Los Angeles County Superior Court, Respondent
People, Real Party in Interest

The above entitled matter is transferred to the Court of Appeal,
Second Appellate District.

Bar
Misc.
4186

In the Matter of the Application of the Committee of Bar Examiners
of the State of California for Admission of Attorneys

The written motion of the Committee of Bar Examiners that the
following named applicants, who have fulfilled the requirements for
admission to practice law in the State of California, be admitted to
the practice of law in this state is hereby granted, with permission to
the applicants to take the oath before a competent officer at another
time and place:

(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S075991 In re **Robert Jess Orduna** on Discipline

Petition for writ of review DENIED.

It is ordered that **Robert Jess Orduna** be suspended from the
practice of law for three years and until he has shown proof
satisfactory to the State Bar Court of his rehabilitation, fitness to
practice and learning and ability in the general law pursuant to
standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional
Misconduct, and until he complies with the August 2, 1993 order of
the United States Bankruptcy Court in case number 92-4-8456-T,
directing him to pay \$3,400 to David M. Sternberg and provides
satisfactory proof thereof to the probation Unit of the State Bar, that
execution of suspension be stayed, and that he be placed on
probation for four years on condition that he be actually suspended
for six months and until he attends and successfully completes the
State Bar's Client Trust Account and Record Keeping Course and
provides proof thereof to the Probation Unit. He is further ordered
to comply with the other conditions of probation recommended by
the Review Department of the State Bar Court in its opinion filed
August 26, 1998. It is also ordered that he take and pass the
Multistate Professional Responsibility Examination administered by

the National Conference of Bar Examiners within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) He is further ordered to comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10.

*(See Business & Professions Code, § 6126, subd. (c).)

